

**MINUTES**  
**(Subject to approval by the Committee)**  
**Federal Lands Interim Committee**  
**Friday, October 10, 2014**  
**6:30 P.M.**  
**Wood River High School Performing Arts Theater**  
**Hailey, Idaho**

Cochairman Senator Chuck Winder called the meeting to order. Other members present were Senator John Tippets, Senator Michelle Stennett, Representative Stephen Hartgen and Representative Terry Gestrin. Senator Bart Davis, Senator Sheryl Nuxoll, Cochairman Representative Lawrence Denney, Representative Mike Moyle and Representative Mat Erpelding were absent and excused. Mike Nugent was the LSO staff member present.

Other persons present were Mike Medberry; Daphne Coble; Pat Murphy; Linda Thorson; Andrew Harding; Martha and C. Ross Jennings; Amanda Gearhart, University of Idaho; Jack and Sharon Parker; Rebecca Mills; Jeff Kuhns; Linda Wright; Larry Lloyd; Gerhardt Morrison; Lawrence Schoen, Blaine County; Representative Donna Pence, District 26; Kathy Grotto; Jeff Anderton; Claire Casey; Ben Schepps; Randy Patterson, Richard T. Jesinger; Dani Mazzotta, Idaho Conservation League; Betsy Mizell; ; Kathy Noble; Wendy Jaquet, former District 26 Representative; Frank Bowland; Chuck Turner; Frank Batcha; Chris C. Harding; Carl Evenson; Kirk Ebertz; Greg Moore, Idaho Mountain Express; Michael David, City of Ketchum; Samuel Mollner; Kelly West; Representative Steve Miller, District 26; Don Hudson, candidate for District 26 Representative; Jim and Nancy Holcomb; Sue and Brent Hansen; Cindy and Rick Jesinger; Dick Fosbury; Carol Brown, Kathy Wagner and Joe Lowe.

**Mr. Mike Nugent**, LSO Staff, gave background information on the committee's charge. He explained that the purpose of interim committees is to give the Legislature more time to study a subject that is too complex to complete during the legislative session. This committee is a two-year committee that ceases to exist on November 30, 2014. In order to continue, the next Legislature will have to pass a new resolution or put something in statute. The committee was formed pursuant to the adoption of HCR21 and HCR22 during the 2013 Legislature. He also explained that all information from past meetings is available on the LSO website at: [www.legislature.idaho.gov](http://www.legislature.idaho.gov).

**Senator Winder** explained that this is going to be a long-term process that will probably require a recommendation for some type of land commission to pursue the opportunities that are out there regarding federal land transfers. He noted that a lot of other states are interested in the issue as well and that it is a bipartisan issue across the West. Senator Winder noted that it is not easy and, if the state got all of the federal land back, there would still be endangered species and EPA issues to deal with. He added that the committee wanted to reach out to communities that are impacted by these federal regulations and hear concerns and stories about how they are impacted.

Written testimony was also accepted by the committee and that is posted at:  
<http://www.legislature.idaho.gov/sessioninfo/2014/interim/lands.htm>

**Mr. Mike Medberry** was the first person to speak. He stated that this idea has been around for the past 25 years and he is angry with the committee because this is a plan to make more money out of federal lands. He said the Legislature complains that no money is made on the land from logging, mining and grazing; that the land may catch on fire; and that it could be managed by the state for less money but says nothing about the people of Idaho who love to use this land, who own this land in Idaho and elsewhere within the nation.

**Mr. Medberry** said the Idaho Department of Lands pats itself on the back for maximizing the money it makes on the state lands, but they are just doing what the law tells them to do. That means the state land managers need to minimize all other costs of the land, the environmental assessments of it, public involvement with the land, retain the Land Board's discretion on the land and manage all

animals that live on it for one purpose and that is to make money. **Mr. Medberry** said the state is not mandated to allow multiple use of the lands. He noted that in rare circumstances, such as in Priest Lake, Payette Lake or some state parks, the state will give short-term privilege that ends up protecting the land.

**Mr. Medberry** said the mandates on the federal government and the state of Idaho for managing their respective lands are very, very different. He said the federal government must protect the right of the public and, in his opinion, off road vehicles, mountain bikes and hikers must be allowed tramp across the land. He added that endangered species must be protected: sage grouse, wolves, caribou, grizzly bears, lynx, steelhead, chinook and sockeye salmon and lesser protected species like lamprey and sturgeon. **Mr. Medberry** said pileated woodpeckers, ospreys and fishers and many other creatures must have a place to live and they find it on the federal lands as does the wolverine, pika and pygmy rabbit.

**Mr. Medberry** said that state and federal lands have very different laws that direct the management of the land and they cannot be easily interchanged. He said the desire to manage federal land less sensitively does not settle kindly with him. He said the committee would have to go to Congress to change the law and it will be another and tougher brawl in Washington, D.C. He added that the federal land is the only land he has a real connection to as he fishes on it, hikes on it, camps on it and goes to it to soothe his soul. He asked that the committee not choose to eliminate his opportunities or those of any others on this land. He said these values are the primary obligations of federal lands managers such as the BLM, U.S. Forest Service and the National Park Service and even though he disagrees with them, he agrees with them far more than he would support the half-baked proposed from the Legislature for the state of Idaho to takeover the federal lands.

**Mr. Andrew Hardin** said he was shocked about the idea of the state attempting to take over the federal lands. He said he was opposed to the idea.

**Mr. Gerhardt Morrison** stated that his home in Blaine County is bounded on two sides by federal land managed by the BLM. He said throughout each year there are deer, coyotes, foxes, grouse and many other birds and animals that come and go from his property.

He went on to say that the idea of the state demanding transfer of federal lands is fraught with problems. He said first, that federal lands are owned and enjoyed by all citizens of the United States not just Idahoans. Second, the lands are controlled by Congress, and the United States Supreme Court has ruled on numerous occasions that states have no rights to demand return or control of federal to themselves. Third, the state of Idaho could neither afford to buy the lands nor manage them. He said the state ranks 49th or 50th in funding for its public schools and asked where the funds would come from to buy or manage the lands.

**Mr. Morrison** said the state would solve that problem by selling portions of the lands, permit fracking, oil drilling or mining on them, or sell other uses for dollars. **Mr. Morrison** said he would not like to see real estate developments on the lands surrounding his home. He said John Peavy and other sheep ranchers in this valley like to run their sheep across federal land to their summer range and return in the fall to their winter homes. **Mr. Morrison** said about fifty years ago he worked for the U.S. Forest Service in the Snoqualmie National Forest as a summer fire lookout. He said he has appreciated that opportunity ever since. He said while the U.S. Forest Service may not always be perfect, he cannot imagine the state of Idaho doing a better job. He concluded by saying that federal lands in Idaho and the West are important in every way to the people of Idaho and the United States and let's keep them sacred.

**Ms. Sharon Parker** said she would echo what has already been said for all U.S. citizens. She said if the system is not broken, don't fix it.

**Mr. Larry Schoen**, Blaine County Commissioner, read an email from Carmen Northen of Hailey, Idaho. In part, it reads: "Since the purpose of these meetings the task force is holding across our

state is to obtain comments on this issue of public lands I would like to go down in the record as well as my husband that we absolutely oppose any efforts of our state to attempt to take over lands under the jurisdiction of the U.S. Government." The complete email is available at: <http://www.legislature.idaho.gov/sessioninfo/2014/interim/lands.htm>

**Mr. Schoen** went on to list the following reasons to oppose a public lands transfer:

- The legal pretext is insufficient;
- The state does not have the resources to manage these lands effectively, nor the management framework to manage them appropriately;
- The state manages its public lands for income and the federal government manages public lands for multiple uses; comparisons illustrating the difference in management costs suggesting the state does a better job are therefore marginally relevant to irrelevant;
- State lands are subject to no local land use codes such as zoning, which means any residential or commercial uses can be sited on state lands anywhere as long as they generate revenues and pass with the State Department of Environmental Quality. Local land use planning processes and considerations do not apply. In his opinion, neighboring uses and service providers will be left in the cold and dark.
- Since the state does not have the resources to manage these lands effectively, they will be privatized at the earliest opportunity. The changes this will bring to the Idaho way of life are many, deep and broad. Idaho's public land heritage, including public access, will be lost forever. In considering the transfer proposal, all Idahoans should reflect on this carefully.
- Wholesale transfer of all eligible federal lands in all public lands counties will affect each county differently, because the available resources and traditional uses in each county vary. Thus, the ideas people have that transfer will solve all problems of management, use and income are absurd.
- Federal support payments will be lost, and in most places this revenue will not be replaced soon or at all. This loss will devastate local government budgets.
- Most people value public lands primarily for their natural and environmental values and don't view them merely as resources to be developed or exploited. These values include habitat for wildlife and native vegetation, diverse, functioning natural ecosystems, scenic open space, watersheds and clean air sheds.

**Mr. Schoen** said the federal government has systems in place for appropriate, responsible, accountable management of public lands resources. He said if this committee seeks to accomplish anything, it should identify and encourage ways and means to improve these management systems, to improve relationships, collaboration and cooperation among local, state and national level stakeholders.

**Ms. Dani Mazzotta**, Central Idaho associate for the Idaho Conservation League (ICL), hypothesized that this effort stems from frustration with management issues, whether it be lack of protections for some lands or the desire to see more active management in the forest. In her opinion, this effort, as proposed, is actually taking steps backward from addressing these management issues and is moving the state even further away from the goal of finding real, on-the-ground resolutions. She said the conversation should be about what could be done to improve the management of federal lands, both from the environmental side and from the local economic side.

**Ms. Mazzotta** explained that the ICL is actively involved with at least seven large collaborative efforts across the state and through these collaboratives is working to improve inefficiencies in federal land management, creating jobs and restoring wild habitat and watersheds. She said these collaborative determinations are not helped when there is an effort to take over the federal lands happening at the same time.

**Ms. Mazzotta** stated that the Lemhi Forest Reforestation Group, which is comprised of local officials, state and federal agency representatives, ranchers, landowners and environmental groups, has worked on a Healthy Forest Restoration Act project called the Upper North Fork Ecosystem Restoration Project. This project is an integrated hazardous fuels and forest restoration proposal on approximately 41,000 acres. She said the collaborative group was involved in the formation of this project as well as the draft EIS process. She said the EIS was released last month and did not have a single objection. She said that these are the kinds of efforts this committee should be looking at, enhancing rather than undermining them by trying to cede lands to the state.

**Ms. Mazotta** concluded that the proposal to turn over thirty-plus million acres of the federal lands to the state is unrealistic from a constitutional, economic and practical standpoint. She said the effort has already been an unnecessary cost to Idahoans and it could reach into the billions of dollars to taxpayers. The only way make this work from a cost perspective would be to auction off the public lands. The public lands and access to them is an asset to Idahoans and all Americans. She said that rather than spending taxpayer dollars on trying to figure out how to seize public lands, she would encourage the committee to focus on ways Idahoans can come together with our federal partners and produce real results on the ground.

Former District 26 **Representative Wendy Jaquet** stated that she does not support a state takeover of Idaho's federal lands. She said the people in the Wood River Valley love the public lands and studies have shown that development and property values rise adjacent to public lands.

She said that the committee must have concluded by now that the state does not have a legal leg to stand on to sue the federal government, given the agreements that were made at statehood. It is her understanding that the U.S. affirmed the federal ownership of western lands in 1890.

**Ms. Jaquet** said that having served on JFAC when she was in the Legislature, she realizes how that committee struggles to fund on-going state commitments. She has voted for the fire deficiency warrants that had to be approved for fires. She said the two fires that were in the Wood River Valley area cost over \$20 million in federal and state dollars.

According to **Ms. Jaquet**, the state does not have the funds to take over the public lands and doing so would result in some of the lands being sold off, possibly hindering generations of access.

She noted that Ken Ivory from Utah might have an ulterior motive in having the western states acquire the public lands because he is a housing developer for Ivory Homes.

She views public access and the use of public lands as a public good for all. She cited a recent article in the *New York Times* by Tim Egan that stated, "the access and public use of federal lands is critical to our democracy." She said that during his time, President Teddy Roosevelt was concerned about the robber barons tying up our public lands; today, she is concerned about the one percent now tying up our public lands.

**Mr. Frank Rowland** is a retired natural resource manager whose fondest childhood memories were accompanying his father, who was a U.S. Forest Service employee, to his work in the national forests. He said that President Teddy Roosevelt called our public lands a national heirloom. **Mr. Rowland** said he doubted the state could fund the management of the federal lands, which would take at least \$400 million annually to do an adequate job.

**Frank Batcha** said there was no rational reason for this process to be going on. He opined that this committee was appealing to a certain political party's base. He said there will be consequences to selling off the public lands. He urged the committee members to not be politicians but to be statesmen.

**Mr. Chris Harding** said the committee's charge was a fool's errand.

**Mr. Michael David**, City of Ketchum, read a letter from Mayor Nina Jones as follows:

"The City of Ketchum recently adopted a Comprehensive Plan that places great emphasis on the exceptional natural setting and resources in the Valley. These elements are what make Ketchum a wonderful place to live, work and play. We are surrounded by Federal Lands that offer endless recreation opportunities that support local jobs and our economy...

"The State should not be taking any action that jeopardizes the financial stability of our City.

"The state cannot afford to take on the financial responsibility of managing the federal lands. It is estimated this proposal would cost the State at least \$1.5 billion in the first ten years; there are many more important priorities in the State.

Please stop the effort to take control over Federal lands in the State of Idaho."

**Mr. Kelly West**, President of the Board of Directors of the Western Watersheds Project, said his occupation is as a landscape contractor in the native landscape business and that his company depends on having access to the federal lands for various native plants and fauna. He said he would echo earlier comments about both financial issues and legal issues with the state attempting to gain control of the federal lands. He said there are problems with federal management of the public lands but the state ought to figure out how to work cooperatively with the federal government to address those problems.

**Ms. Sue Hansen**, a Ketchum business owner, likes federal control of the public lands and is against the state takeover of those lands. She urged the committee not to waste time or money in pursuing this concept. In her opinion, the committee needs to let itself expire on November 30, 2014, and not be reauthorized again.

**Mr. Brent Hansen** said that access to the public lands is a very big deal to him and a lot of his friends. He explained that while mountain climbing in Austria, he was chased off a mountain because it was a private hunting preserve. He said he could see a lot of federal lands being closed off to public access if they are transferred from the federal government to the state because of the State Land Board's profit motive on those lands, as is required by the Idaho Constitution. He also voice concern that if the lands are sold off to someone like a Ted Turner or someone that has that much wealth, the land would be closed to public access.

**Ms. Kathy Noble**, a landscape architect and a farmer, said that Blaine County has a population of 15,000 and everyone is dependent on recreational tourism for their economic well being. She said Blaine County residents cannot afford for the state to take over the federal lands that surround the Wood River Valley. She said her farm raises heritage, pasture fed chickens and pigs. She sells her eggs, meat, chickens and pork to the high quality restaurants, bakeries and grocery stores. She said her landscape architecture business is built around large properties that she designs and maintains for people who come to the Wood River Valley to recreate on public lands and who have invested in homes in the valley.

**Ms. Noble** said without federal public lands surrounding the Wood River Valley, none of these clients would be here. She said people live there because of the sights and sounds of nature and because they love to hike, ski, snowshoe and run in the federal lands, and the citizens or visitors that come to the Wood River Valley are not interested in hiking or skiing through a logged forest or a mined hillside. She said the citizens of Blaine County want the surroundings to be left in the hands of the federal managers whose mandate is to preserve the pristine qualities of wildness and wilderness.

**Ms. Noble** said she is aware of communities in Idaho whose economies are based on logging, and they are hurting economically. She said she grew up in the coastal mountains of Oregon, where fifty years ago the timber market collapsed for a variety of reasons. She said they struggled but rather than tilt at windmills, the community retrained and reeducated itself and they imagined new ways to sustain their communities and they invested in education.

**Ms. Noble** said that retraining people in those Idaho communities and imaging new ways to make a living in them would be a far better use of state tax funds than trying to prop up an industry that

cannot be sustainable in the future. She said forest products are a limited resource that cannot be harvested at the same rate as in the past. She said there must be new ways to use this resource in smart, sustainable ways or there will be no forests, and the people in the towns who are pushing to log more will have to reinvent themselves a generation later.

She urged the committee to think of more creative and imaginative ways to reinvigorate those communities that are dependent on the forests, instead of spending Idaho tax money in a futile and unconstitutional attempt to take over federal forest lands.

**Ms. Carol Brown** agreed with Commissioner Schoen's and Dani Mazzotta's testimony.

**Ms. Kathy Wagner** has lived in the Wood River Valley since 1981 and likes camping on the federal lands. She said the lands belong to every citizen of the state and the United States.

**Mr. Joe Lowe**, a 30-year resident of Blaine County, hopes that proponents of this endeavor understand the real significance of shared public lands. He said Idaho is a great state because of public lands, and he likes the efforts at collaboration that have been discussed. He asked the committee to articulate what is the vision for taking over the federal lands.

The public hearing was adjourned at 8:30 p.m.